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9
10 **UNITED STATES DISTRICT COURT**
11

12 DINA BARELA, individually. | CASE NO.: 2:21-cv-00084-RFB-NJK
13 Plaintiff, | **JOINT DISCOVERY PLAN**
14 vs. | **AND SCHEDULING ORDER**
15 USAA CASUALTY INSURANCE | **SUBMITTED IN COMPLIANCE**
16 COMPANY, DOES 1 through 20, ROE | **WITH LR 26-1(b)**
17 BUSINESS ENTITIES I through 20, inclusive
18 Defendants.
19

20 Plaintiff DINA BARELA (hereinafter "Plaintiff"), by and through her attorneys of record,
21 Samantha A. Martin, Esq. of The RICHARD HARRIS LAW FIRM, and Defendant USAA
22 CASUALTY INSURANCE COMPANY ("Defendant"), by and through its counsel of record,
23 Robert W. Freeman, Esq., Priscilla O'Briant, Esq., and Jennifer A. Taylor, Esq. of LEWIS
24 BRISBOIS BISGAARD & SMITH, hereby submit this Proposed Joint Discovery Plan and
25 Scheduling Order.

26
27 **Fed. R. Civ. P. 26(f) Conference**

28 The parties met on February 24, 2021 to discuss matters in compliance with LR 26-1 (b)(7)

1 – (9). Based upon counsels review of the evidence in this case, the parties now propose the
 2 following discovery plan:

3 1. **Discovery Cut-Off Date:**

4 Plaintiff filed her Complaint on November 30, 2020 in Nevada State Court. Defendant
 5 filed a Petition for Removal to this Court on January 15, 2021. (ECF No. 1.) On January 21, 2021
 6 Plaintiff filed a Motion to Remand this case back to State Court. (ECF No. 6.) Defendant filed its
 7 Answer on January 22, 2021. (ECF No. 7.) On February 19, 2021, Plaintiff filed a Notice of
 8 Withdrawal of Motion to Remand. (ECF No. 19.) The parties request the time period for
 9 discovery to start from the FRCP 26(f) conference or February 24, 2021. 180 days from February
 10 24, 2021 is Monday, August 23, 2021. However, the parties request the close of discovery to fall
 11 on Thursday, September 23, 2021. The parties request September 23, 2021 as the discovery
 12 deadline because counsel for Plaintiff is pregnant and has an expected delivery date in Mid-
 13 August, 2021.

14 2. **Amending the Pleadings and Adding Parties:**

15 The parties request that all motions to amend the pleadings or to add parties be filed no
 16 later than Friday, June 25, 2021 - 90 days prior to the proposed close of discovery.

17 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):**

18 The parties request the disclosure of experts be made on or before Monday, July 26,
 19 2021 - 59 days before the proposed discovery cut-off date. Disclosure of rebuttal experts shall
 21 be made by Wednesday, August 25, 2021 - 31 days after the initial disclosure of experts.

22 4. **Dispositive Motions:**

23 The date for filing dispositive motions shall not be later than Thursday, October 25, 2021
 24 - 32 days after the proposed discovery cut-off date. In the event that the discovery period is
 25

1 extended from discovery cut-off date set forth in this proposed Discovery Plan and Scheduling
2 Order, the date for filing dispositive motions shall be extended to be not later than 30 days from
3 the subsequent discovery cut-off date.

4 **5. Pretrial Order:**

6 The date for filing the joint pretrial order shall not be later than Wednesday, November 23,
7 2021 - 29 days after the cut-off date for filing dispositive motions. In the event that dispositive
8 motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after
9 decision on the dispositive motions or until further order of the court. In the further event that the
10 discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and
11 Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with
12 the time periods set forth in this paragraph.

13 **14. Fed. R. Civ. P. 26(a)(3) Disclosures:**

15 The disclosures required by FRCP 26(a)(3), and any objections thereto, shall be
16 included in the joint pretrial order.

17 **18. Alternative Dispute Resolution:**

19 The parties met and conferred at the Rule 26 conference regarding the possibility of using
20 alternative dispute resolution processes, namely arbitration and mediation.

21 **22. Alternative Forms of Case Disposition:**

23 The parties met and conferred regarding the use of a magistrate judge for all purposes or to
24 submit to the Short Trial Program.

25 **26. Electronic Evidence:**

27 The parties met and conferred regarding the use of electronic evidence and presenting the
28 same to the jury. They will present evidence to the jury in a format that will be compatible with

1 the Court's jury evidence display system, with each party responsible for preparing their respective
2 exhibits to comply.

3 **FRCP 26(f)(3) VIEWS AND PROPOSALS**

4 **A. Initial Disclosures:**

5 Plaintiff served his initial disclosures on or before March 10, 2021.

6 Defendant served its initial disclosures on or before March 10, 2021.

7 **B. Subjects on Which Discovery May Be Needed:**

8 Plaintiff and Defendant agree that the subjects of discovery shall include liability,
9 causation, and damages of all forms.

10 **C. Whether Discovery Should Be Conducted in Phases or Be Limited to or Focused on
11 Particular Issues:**

12 Plaintiff and Defendant agree that discovery need not be conducted in phases.

13 **D. Issues Regarding Disclosure of Electronically Stored Information, Including the
14 Form or Forms In Which It Should Be Produced:**

15 Plaintiff and Defendant agree that no issues exist regarding the disclosure or discovery of
16 electronically stored information currently.

17 **E. Issues Regarding Claims of Privilege or Protection of Pre-Trial Materials:**

18 Some information and/or documents in Defendant's possession are protected under
19 confidentiality and/or privilege. Plaintiff and Defendant agree to act in a manner that protects
20 information entitled to be kept confidential and to ensure that protection is limited to material
21 entitled to any such protections. The parties will work together, where possible, to establish an
22 appropriate scope of discovery as it relates to privileged communications in Defendant's files. To
23 the extent Defendant needs to seek protective orders prior to producing any confidential, trade
24

1 secret or otherwise privileged information or documents, and in the interest of preserving its
2 claims of privilege and confidentiality, Defendant will circulate a proposed stipulated protective
3 order for Plaintiff's review prior to submitting the same to the Court for review and approval.
4

5 **F. Changes That Should Be Made in The Limitations on Discovery Imposed Under**
6 **These Rules or By Local Rule:**

7 None.

8 **G. Orders That The Court Should Issue Under Rule 26(c)(or Rule 16(b) and (c):**

9 None at this time, though the parties may stipulate to such an order in the future to
10 preserve materials protected by trade secret held by Defendant.

11 DATED this 25th day of February, 2021.

12 **RICHARD HARRIS LAW FIRM**

DATED this 25th day of February, 2021.

LEWIS BRISBOIS BISGAARD & SMITH

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ORDER

1. The discovery cut-off shall be **Thursday, September 23, 2021.**
2. Amending the Pleadings and Adding Parties. The last date for filing motions to amend pleadings or to add parties shall not be later than 90 days prior to the close of discovery. In this action, the last date to file motions to amend the pleadings or add parties shall be **Friday, June 25, 2021.**
3. FRCP 26(a)(2) Disclosures (Experts). The last day to disclose expert witnesses shall be 60 days before the discovery cut-off date. In this action, the last date to disclose experts shall be **Monday, July 26, 2021.** The date for the disclosure of rebuttal expert witnesses shall be 30 days after the initial disclosure of experts. In this action, the last date to disclose rebuttal experts shall be **Wednesday, August 25, 2021.**
4. Dispositive Motions. The last date to file dispositive motions shall not be later than 30 days after the discovery cut-off date. In this action, the last date to file dispositive motions shall be **Thursday, October 25, 2021.**
5. Joint Pretrial Order. The Joint Pretrial Order shall be filed no later than 30 days after the date set for filing dispositive motions. In this action, the joint pretrial order shall be filed on or before **Wednesday, November 23, 2021.**
6. FRCP 26(a)(3) Disclosures. The disclosures required by FRCP 26(a)(3) and any objections thereto shall be included in the Joint Pretrial Order

IT IS SO ORDERED.

Dated this 26th day of February, 2021.


UNITED STATES MAGISTRATE JUDGE